



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3110.03US02

Stephen D. Kuslich

Confirmation No.: 6813

Application No.: 10/702,096

Examiner: Unknown

Filed: November 05, 2003

Group Art Unit: 3738

For: A SEMI-BIOLOGICAL INTERVERTEBRAL DISC REPLACEMENT SYSTEM

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This information is being filed before the mailing date of a first Office Action on the merits. No certification or fee is required.

Respectfully submitted,

Wendy J. Cusick
Registration No. 52,788

Customer No. 24113
Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-3019


Application No. 10/702,096

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

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Substitute for form 1449/PTO

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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

| | |
|------------------------|--------------------|
| Application Number | 10/702,096 |
| Filing Date | 11/05/03 |
| First Named Inventor | Stephen D. Kuslich |
| Art Unit | 3738 |
| Examiner Name | Unknown |
| Attorney Docket Number | 3110.03US02 |

Sheet 1 of 2

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
|----------------------|--------------------------|--|--------------------------------|--|
| | | Number-Kind Code ² (if known) | | |
| | | US-4,772,287 | 09-20-1988 | Ray et al. |
| | | US-4,904,260 | 02-27-1990 | Ray et al. |
| | | US-5,192,326 | 03-09-1993 | Bao et al. |
| | | US-5,919,235 | 07-06-1999 | Husson et al. |
| | | US-6,240,926 B1 | 06-05-2001 | Chin Gan et al. |
| | | US-6,437,018 B1 | 08-20-2002 | Gertzmann et al. |
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FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | T ⁶ |
|----------------------|--------------------------|--|--------------------------------|--|----------------|
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | |
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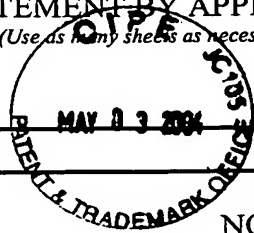
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¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

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| Substitute for form 1449/PTO | | Complete if Known | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | Application Number | 10/702,096 |
| | | Filing Date | 11/05/03 |
| | | First Named Inventor | Stephen D. Kuslich |
| | | Art Unit | 3738 |
| | | Examiner Name | Unknown |
| | | Attorney Docket Number | 3110.03US02 |
| Sheet 2 of 2 | | | |



NON PATENT LITERATURE DOCUMENTS

| EXAMINER INITIAL* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T ² |
|----------------------|--------------------------|--|----------------|
| | | "The Origin of Low Back Pain and Sciatica: A Microsurgical Investigation," Kuslich et al.; and "Microsurgical Lumbar Nerve Root Decompression Utilizing Progressive Local Anesthesia," Kuslich, reprinted from <i>Microsurgery of the Lumbar Spine</i> , R.W. Williams et al. (Eds.), pp. 1-7, 139-147 (1990). | |
| | | "Biomechanical and Morphologic Evaluation of a Three-Dimensional Fabric Sheep Artificial Intervertebral Disc; <i>In Vitro</i> and <i>In Vivo</i> Analysis," Kadoya, MD, et al., SPINE Vol. 26, No. 14, 1562-1569 (2001). | |
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